

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EUGENE A. MAUWEE, SR.,

Plaintiff,

vs.

JACK PALMER, et al.,

Defendants.

3:10-cv-00250-RCJ-WGC

ORDER

re: Doc. # 76

Before the court is Defendants' Motion to Continue Trial Date and Associated Deadlines. (Doc. # 76.)¹ Plaintiff has opposed. (Doc. # 79.) Defendants have replied. (Doc. # 81.)²

Defendants argue the trial date should be vacated because the legal issues attendant to the Defendants' second motion for summary judgment would be dispositive of the remaining issues. (Doc. # 76 at 1-2.) Plaintiff contends Defendants are engaging in stalling or delay tactics. (Doc. # 79 at 2.) Plaintiff also argues Defendants' counsel has missed numerous deadlines attendant to this case. (*Id.* at 3-4.) Defendants' reply notes District Judge Robert C. Jones specifically allowed Defendants "to file a successive motion for summary judgment based on the *Hudson* and *Paratt* line of cases" and that Defendants availed themselves of the opportunity six weeks after Judge Jones' order. (Doc. # 81 at 2-3.)

As noted in this court's order denying Plaintiff's motion to strike (Doc. # 82), the court views Defendants' Second Motion for Summary Judgment (Doc. # 74) as falling within the purview of Judge Jones' order. Inasmuch as the motion for summary judgment may be dispositive of all remaining legal

¹ Refers to court's docket number.

² Defendants' reply memorandum was not timely filed. Defendants have in a separate motion sought leave to file the reply. (Doc. # 80.) The court will allow the filing of Defendants' reply memorandum (Doc. # 81).

1 issues, proceeding with trial preparation and possibly trial itself would not be a fruitful expenditure of
2 limited judicial resources.

3 Therefore, Defendants' motion to continue the trial date and associated deadlines (Doc. # 76) is
4 **GRANTED** and the and March 2, 2015 Trial Date and the associated February 23, 2015 Calendar Call
5 are **VACATED**.

6 **IT IS SO ORDERED.**

7 DATED: December 10, 2014.

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WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE

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